REMARKS

This Amendment is filed in response to the Office Action mailed May 7, 2008. In this Amendment, claims 1, 9, 50 are amended and claims 3, 5-8, 10-14, 48-49 and 51-59 are unchanged. Following entry of this amendment, claims 1, 3, 5-14 and 48-59 shall be pending.

In the Office Action, the specification is objected to because of an informality, and claims 1-14 and 23-59 have been rejected based on prior art. For the reasons set forth below, these rejections are hereby traversed.

I. SPECIFICATION OBJECTION

The Examiner objected to paragraph 0002 of the published application because of the blank spaces intended for missing information. This information is now available and has been amended within this paragraph.

II. REJECTIONS UNDER 35 U.S.C. SECTION 112

The Examiner has rejected claims 1, 3, 5-14, 50 and 48-49 as being indefinite for failing to particularly point out an distinctly claim the subject matter which the applicant claims as the invention.

The Examiner asserts that "it is still unclear what is being designated as the 'sensor member' as in fig. 7." The Undersigned is puzzled how the Examiner can still be unclear over how the claims relate to the specification after providing very a detailed description of their interrelation in the Amendment of March 24, 2008. The Examiner is encouraged reread the previously submitted Amendment of March 24, 2008, particularly the section relating to the previous Section 112 rejections.

It appears that the Examiner's confusion stems from overlooking the embodiment described in paragraphs 0083-0088 and Figures 8 and 9. The embodiment of Figure 9 illustrates an embodiment similar to Figure 7, further including a separable probe body and sensor circuitry. For example, Figure 9 illustrates a sensor mast 952, containing the sensor and the related circuitry and the power circuitry. The sensor mast 952 is

formed separately from the probe body 954 and can be inserted in probe body 954. The probe body 954 can be inserted into the ground and the sensor mast 952 can be inserted into the probe body 954. A removable top part 950 can then be placed to enclose the sensor node. See paragraphs 0083-0088 and Figures 8 and 9 for additional details.

Thus, in at least the embodiment of Figure 9, the sensor mast 952 is the "sensor member", the sensors are coupled to the sensor mast 952; the gasket is located on the sensor mast 952; the battery is located on the sensor mast 952; and the transceiver is located in the top part (see Figure 10). Claim 9 has been amended to correct antecedent basis.

In summary, the Examiner's concerns are clearly answered in paragraphs 0083-0088 and Figures 8 and 9 of the published application. The Examiner is encouraged to call the Undersigned if he requires further clarification as to how the claims relate to the disclosure of the specification.

II. PRIOR ART

The Jaselskis et al. Patent

Claims 1, 3, 5, 6, 13, 14, 48-50 and 52-56 are rejected under 35 U.S.C. Section 103(a) as being anticipated by U.S. Patent No. 5,209,129 to Jaselskis et al. (*The Jaselskis et al. Patent*). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

Claim 1 has been amended to further recite language previously found in the preamble (since the Examiner argues that the preamble is not a distinguishing claim limitation). The Undersigned disagrees with the Examiner, but has made this amendment solely in an effort to expedite prosecution of this application.

The Jaselskis et al. Patent cannot be properly relied upon as making obvious the invention as recited in amended claim 1. For example, *The Jaselskis et al. Patent* fails to at least show a wireless sensor probe that is configured to wirelessly transmit data from one or more sensor devices. *The Jaselskis et al. Patent* discloses a subsurface

sampler for obtaining soil samples from different soil depths. The subsurface sample of *The Jaselskis et al. Patent* includes portholes 26 for obtaining soil at different depths and a robotic arm 62 for removing portions of soil at each porthole 26 for analysis.

Therefore, the *Jaselskis* sampler does not wirelessly transmit data. It lacks any type of transmitter device and accompanying electronics necessary to perform such action. Further, while a "probe" is described in this reference, it is not clear that this probe is even a sensor since this type of sampling device is typically used for extracting soil samples, not simply measuring them.

Thus for at least this reason, *The Jaselskis et al. Patent* fails to make obvious claim 1. Turning to claims 3, and 5-14, these claims depend from claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 50 has been amended to further recite language previously found in the preamble (since the Examiner argues that the preamble is not a distinguishing claim limitation). The Undersigned disagrees with the Examiner, but has made this amendment solely in an effort to expedite prosecution of this application.

The Jaselskis et al. Patent cannot be properly relied upon as making obvious the invention as recited in claim 50. For example, *The Jaselskis et al. Patent* fails to at least show a wireless soil sensor that is configured to wirelessly transmit data from the sensor circuit. *The Jaselskis et al. Patent* discloses a subsurface sampler for obtaining soil samples from different soil depths. The subsurface sample of *The Jaselskis et al. Patent* includes portholes 26 for obtaining soil at different depths and a robotic arm 62 for removing portions of soil at each porthole 26 for analysis.

Therefore, the *Jaselskis* sampler does not wirelessly transmit data. It lacks any type of transmitter device and accompanying electronics necessary to perform such action. Further, while a "probe" is described in this reference, it is not clear that this

probe is even a sensor since this type of sampling device is typically used for extracting soil samples, not simply measuring them.

Thus for at least this reason, *The Jaselskis et al. Patent* fails to make obvious claim 50. Turning to claims 51-59 these claims depend from claim 50 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The Chuang Patent

Claims 1, 6-14, 48-57 and 59 are rejected under 35 U.S.C. Section 103(a) as being anticipated by U.S. Patent No. 6,601,440 to Chuang (*The Chuang Patent*). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

The Chuang Patent cannot be relied upon as making obvious the present invention as recited in claim 1. For example, claim 1 recites that the sensor member is configured to removably fit within the interior of the probe body. *The Chuang Patent* discloses a device for detecting soil saturation with non removable internal components. More specifically, *The Chuang Patent* includes a guide 15 having a float 22 and a reed switch 20. Nowhere in the *Chuang* figures or specification are any of the internal components described as removable, let alone a sensor member as recited in claim 1.

In this respect, the *Chuang* device simply cannot perform many of the features of the wireless sensor probe as recited in claim 1. For example, the sensor member is configured to removably fit within the interior of the probe body, allowing the user to hammer or otherwise force the probe body into the soil, then insert the typically delicate components of the sensor member (e.g., sensors, electronics) into the probe body. Thus, a user can use the quick and often necessary force of hammering without fear of damaging the internal components of the wireless sensor probe. In contrast, *The Chuang Patent* suggests auguring or burying a device in the soil. Further, hammering

the *Chuang* device into the soil would likely damage the device's sensitive electronics and sensors.

Thus for at least this reason, *The Chuang Patent* fails to make obvious claim 1. Turning to claims 3, 5-14 and 48-49 these claims depend from claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The Chuang Patent cannot be relied upon as making obvious the present invention as recited in claim 50. For example, claim 50, as amended, recites that the component mast is user-insertable into the opening into the interior of the probe body. *The Chuang Patent* discloses a device for detecting soil saturation with non removable internal components. More specifically, *The Chuang Patent* includes a guide 15 having a float 22 and a reed switch 20. Nowhere in the *Chuang* figures or specification are any of the internal components described as user-insertable, let alone a user-insertable component mast.

In this respect, the *Chuang* device simply cannot perform many of the features of the wireless sensor probe as recited in claim 50. For example, the component mast is configured to removably fit within the interior of the probe body, allowing the user hammer or otherwise force the probe body into the soil, then insert the typically delicate components of the component mast (e.g., sensors, electrionics) into the probe body. Thus, a user can use the quick and often necessary force of hammering without fear of damaging the internal components of the wireless sensor probe. In contrast, *The Chuang Patent* suggests auguring or burying a device in the soil. Further, hammering the *Chuang* device into the soil would likely damage the device's sensitive electronics and sensors.

Thus for at least this reason, *The Chuang Patent* fails to make obvious claim 50. Turning to claims 51-59 these claims depend from claim 50 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these

claims further limit the claimed invention and thus are separately patentable over the cited prior art.

The Adam Patent

Claims 1, 3, 5-7, 9-14, and 48-59 are rejected under 35 U.S.C. Section 103(a) as being anticipated by G.B. Patent No. GB2247951 to Adam (*The Adam Patent*). For at least the reasons set forth below, it is submitted that these prior art rejections should be withdrawn and the pending claims allowed.

Claim 1 has been amended to further recite language previously found in the preamble (since the Examiner argues that the preamble is not a distinguishing claim limitation). The Undersigned disagrees with the Examiner, but has made this amendment solely in an effort to expedite prosecution of this application.

The Adam Patent cannot be properly relied upon as making obvious the invention as recited in claim 1. For example, *The Adam Patent* fails to at least show a wireless sensor probe that is configured to wirelessly transmit data from one or more sensor devices. *The Adam Patent* discloses a device for indicating information about the soil with a display on the outside of the device. The *Adam* sampler does not wirelessly transmit data. It lacks any type of transmitter device and accompanying electronics necessary to perform such action.

Thus for at least this reason, *The Adam Patent* fails to make obvious claim 1. Turning to claims 3, and 5-14, and 48-49 these claims depend from claim 1 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

Claim 50 has been amended to further recite language previously found in the preamble (since the Examiner argues that the preamble is not a distinguishing claim limitation). The Undersigned disagrees with the Examiner, but has made this amendment solely in an effort to expedite prosecution of this application.

The Adam Patent cannot be properly relied upon as making obvious the invention as recited in claim 50. For example, *The Adam Patent* fails to at least show a wireless soil sensor that is configured to wirelessly transmit data from the sensor circuitry. *The Adam Patent* discloses a device for detecting properties of soil and displaying them on the outside of the device. *The Adam* device does not wirelessly transmit data. It lacks any type of transmitter device and accompanying electronics necessary to perform such action.

Thus for at least this reason, *The Adam Patent* fails to make obvious claim 50. Turning to claims 51-59 these claims depend from claim 50 and thus for at least the above reasons are also novel and unobvious over the cited prior art. However, these claims further limit the claimed invention and thus are separately patentable over the cited prior art.

CONCLUSION

In view of the foregoing, it is submitted that pending claims 1, 3, 5-14 and 48-59 are now in condition for allowance. Hence an indication of allowability is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any additional fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: September 8, 2008

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